

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Scott Hotyckey

CIVIL ACTION
No.

v.

Framingham Police Department

COMPLAINT

Parties: Defendant Framingham Police Department.
Seven Carl Police Chief
Officer Cezer Investigating Officer
Plaintiff Scott Hotyckey

My Name is Scott Hotyckey. I come before this Honorable District Court in Mass. To bring to this courts attention that Mr. Hotyckey followed the law sending a letter of Demand to the Framingham Police and Representatives. MIIA William L. Mackinnion insurance representative denied the claim under MGL sec 10a and 10b chapter 258 protects against failure of adequate Police Protection to detect and solve crimes or enforce any law. The Civil Action after Denial is within the legal time frame of no more than one Year.

Mr. Hotyckey claims that Chapter 258 sec. 10A or 10B is irrelevant to this case. It talks about restrain orders and Police not being responsible for a womans protection. Its is contradictory to :

Constitution of the Commonwealth of Massachusetts

Article XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Article XIII. In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

There has been a violation of Mr. Hotyckey's Rights under fifth Amendment Due Process and amendments 5 and 14. The Framingham Police In fact charged the wrong person with crimes in this case and tried to cover it up by ignoring the facts. This is easy for the Police to do. Because the common practice is for the Police to take a statement from the woman and then charge the Man. From here on its the Mans responsibility to prove himself innocent in the courts. The Police wash there hands of any more investigation and go to the next case. This is a learned form of prejudice in domestic Violence cases.

The Negligence has nothing to do with Chap 258 10A or 10B its far more simple. How can a Citizen make complaint to the Framingham Police if they are a Man in a Case like this? They will not listen and ignoring evidence blindly charging innocent People with trumped up charges before both sides of a complaint are heard. When blood filled scratches in Pictures and witnesses say a totally different story. And this very high court is asked to consider ones home, residents and family must be protected from crimes by its Police Department.

Mr. Hotyckey was not allowed to make a statement or get a Police officer to take a statement for a common Police Report. That Crimes committed against Mr. Hotyckey his father and Friend and Home were ignored.

The proper chain of command was followed. From investigating officer to Police Chief. This was brought to the Police Chief Steve Carl attention in Person and By letter with the Picture evidence. I paid a lawyer to represent me to the Police and He gave a statement but he was told that the Police and Officer Cesar were only interested in taking charges on Mr. Hotyckey. Since no charges at this time were made and serious crimes were committed against Mr. Hotyckey and others this seems absurd. Not only Scott Hotyckey but neither were Franklin Hotyckey and Polina Ken were allowed to make a statement. What Mr. Hotyckey wants to state is being able to be heard by the Police fairly is a right. Mr. Hotyckey was told the investigating officer was not in or on vacation for over a month. Chief Steven Carl in front of two witnesses Scott and Franklin Hotyckey. In Person in the hall way of the Police station. We were told to go to the Framingham District court house and submit charges ourselves. The Chief of Police willingly ignoring complaints. This is against dispensing justice freely, and without being obliged to purchase it. In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen. Our Mass State constitution forbids this action of our Local Police.

This is not good Public Policy and violates a basic right of Police intervention in a Crime. I was told there were no officers available to hear Mr. Hotyckey. That the Police had no money to waste time on my case or evidence go to trial by jury. That a lawyer was refused to speak to Investigating officer Framingham Police Cesar. He was only interested in facts about my Hotyckey not about Mis Kociuba. No one from the Framingham Police cared about the crimes Mis Kociuba committed. Crimes devious Hannis and left unpunished by the system and unrecorded.

Mrs. Kociuba
Adultery
Conspiring to steal my child
Assault and Battery
Vehicular assault
Driving to endanger
Making recordings without consent
Damage to private property
Disturbing the peace
Criminal trespass
Lying on a Police report

The above facts were conveyed to the Police with three witnesses and Pictures to no avail.

Mr. Hotyckey states that He has the right to make a Police Report and have at least minimal investigation of his evidence and facts. What reasonable person would think the police would not talk to them about crimes committed at their home and on their property in their Town? Who? Especially when witnesses and Pictures in your face contradict what a woman plaintiff has stated. Police are Not interested in Crimes?

The case is as follows "Equal protection component of the fifth Amendment Due Process, Forbids Government from selective Prosecution.". That Steve Carl were contacted twice by letter and in person. And contacted your officers for more that a week. That Franklin Hotyckey and Polina Ken have made sworn statements of refusal of the Framingham Police to take a statement make a Police report. All parties were not allowed to seek charges against Mrs. Bernedet Kociuba. A violation of basic civil Wrights. A highly highly prejudice decision. Bloody Picture evidence of assault were given to the Police Department nether would investigate and ignored. If a Mrs Kociuba Had a picture of a injury or if her home was touched for sure Mr. Hotyckey would be in Jail today and have lost his Rights. This fact shows how far womens right groups and fear of law suits has swayed Police perception.

The conclusion is that Police put charges on someone because it is politically correct - to only prosecute a Man- That a womans rights cancel out a mans rights is not constitutional. That it is unbelievable that a woman especially a pretty woman can commit crimes against a man. This is demonstrated by The Framingham Polices actions. And we are becoming a society with out heroes no one of us has merit and we are politically driven. On the whole if it did not happen to me then it never will. But it will unless the facts of both sides are listened too completely and fairly. A woman that feels free of persecution most likely will embellish facts to gain control and cover up crimes with Police approval. That is exactly what is happening here in this case. The Framingham Police failed to enforce the law correctly. **In fact charged the wrong person with crimes in this case.** All in the face of the Equal protection component of the Fifth amendment of our Constitution. This costs Money, Time, loss of work and a criminal record that is all too easy created for men. The Defendant was the only one with evidence of Assault.

A Government is Many a Man is but One. Let a Man have a chance for Honor and to have protection at His Property. Witch hunts for dangerous men should be switched to hunts for honesty and truth. Mr. Hotyckey has the same right to make a Police Report as Mis Kociuba. To be utterly denied and ignored with the gruesome Picture evidence given to the Police chief himself. Shows bias prejudice disregard for public service and a total lack of willingness to see both sides of a Domestic violence case. This should have been done before the Police seek a trail. The Pictures and Evidence of witnesses is enough for any reasonable person to assume the law had been broken therefore the Police are choosing what they want to prosecute. This is the danger zone for all families in the state of MA. Men are part of family and it is becoming impossible to be heard, Mens Rights are being lost. What is becoming obvious is that Men are considered to be aggressors anytime a Woman complains that she is threatened. The evidence was entirely ignored. Even as in this case there is overwhelming evidence of criminal motives on the female side. Letting Female criminals escape any hardship at a mans expense is becoming conic condition.

Motives are a key always. People do what they want not the opposite. The obvious motive was that Mis Kocuiba was married and her husband was a ex Marine and a current Cop. Kociuba was Married and wanted it to stay that way. The act of adultery is when a woman claiming she is single and divorced when indeed is married. This was stated buy the Police in Framingham in front of a witness I was told the Police protect their own. The facts of dating a married woman were not known by Mr Hotyckey at the time of the incident. They were made clear to the Police within two days of the crimes committed. The Police were only interested in protecting Mrs Kociuba and not interested in Mr. Hotykeys side of the story. This makes the situation impossible to allow unchallenged. Mr. Hotyckey feel that He did nothing wrong the only one hurt was Mr. Hotyckey and he was able to get a restraining order from the Framingham district court on Mrs Kociuba for her aggressive assault. How come the court finds evidence of assault and battery on Mr Hotyckey but He can not get police support to back up the assault with Police taking charges?

That when the evidence was told to the Police by a legal Representative Manilas a Framingham lawyer and the pictures were submitted the charges on Mr Hotyckey were upped from threats to witness intimidation. This was a big mistake on the Framingham Police. One . How do you prove something without any evidence that is such a complicated felony crime. This worked out to be a advantage in trail but the whole case would have been thrown out of court in the clerks hearing if it was the misdemeanor charge of threats because Mrs Kociuba never showed. By the law if a felony is charged the Police can hold the case to trial. That is what the Police did. The Police Held the case against all logic to a Trial. At the Framingham District Court Clerk Hearing the Framingham Police Clerk Stated "That this case is being held for trial That is why we charged a Felony Crime."

Officers upped the charges when they found out that Mr. Hotyckey was the one that was assaulted at my Familles Home. On the Police Report threats and after I gave evidence of my innocence instead of investigating. Charges of threats a misdemeanor became Witness intimidation a felony like 20 days later. The question is How Mrs Kociuba reported with her Husband Two Days later that the indecent That she could not call the police. Unbelievable how can you not report a crime for two days when you are with your Husband. This is fully documented in a Foxboro Police Report. The Police used the law of witness intimidation for reasons the Law never intended. Womans Rights are dictating that no matter how far fetched a law should be stretched and charged to protect a woman. The Law is being stretched to control a case not truthfully administer Justice. Felony are issued so a Woman does not Have to come to a Clerks Hearing. Is cross examination only for a Jury Trial? It is no Joke that if you are convicted that you will go to Jail even if you are innocent. Its a right to face your accuser and for Men such games are played with freedom.

Police should not up a change to control a case. This evidence presented to the Framingham Police was used to find Mr. Scott Hotyckey Innocent by a Jury of six with these same Pictures and two Witnesses that Mr. Steve Carl refused to question and give investigation or allow a officer to take report. I stated to Steven Carl that Kociubas Police Report could be proven to be a complete lie. That Mr. Hotyckey was attained a restraining order Framingham district court on Mrs. Kociuba based on Battery and Assault from Picture evidence but no Police intervention could be attained. The statements do not make scene. A Jury can review the evidence and find if the Framingham Police and chief Steven Carl have conducted itself correctly and fairly. Mr Steve Carl can testify to His statements made in the front hall of the Police station. The letters and Pictures sent to the Police as evidence and that you refused audience.

That the Framingham Police Dept upped the charges when they found out that I was the one that was assaulted at my own home. On the Police Report after I gave evidence of my innocence instead of investigating. You made a charge of threats a misdemeanor into Witness intimidation a felony like 20 days later. Adding charges, upping charges vindictiveness a violation amendments 5 and 14.

This was done for the purpose of denying Mr. Hotyckey of a clerks Hearing. I personally heard a woman police officer say that That Mis Kociuba the defendant was Married to a Marine and Cop. That you protect your own. That the government supporting the government over the people is a direct conflict with the constitution of the united states. Again The plaintiff could get a clerks hearing but Mr. Hotyckey could not. This is a form of disrespect for the law and Mr. Hotyckey's family. Framingham Police clerk controlled the clerks hearing by allowing abuse of the law in that no provable felony existed and your support was for this Mr. Steve Carl. If a felony charge is entered then the Police can hold the case to trial. Even if the plaintiff does not show to court. On the testimony of a woman and I say woman. You denied Mr. Hotyckey all right to investigation on his behalf without evidence. At this

point twice. Once at a clerks hearing and at your Police station in front of witnesses.

The crusade of the Police and Framingham District Court said this was the War of the Roses. It was not it was the war for survival for Mr. Hotyckey. My Fathers Home was surrounded by Police for a week for god knows what reason with no charges being brought forth. I was at my own home asking my lawyer and father what to do. To be able to hold your head up and defend yourself being told you are a abusive man that would go to MacDonald and start shooting people. That I owned guns because I was crazy. That every board in my home would be ripped out looking for guns that I sold 15 years ago that had no transfer paperwork. This was in the face of the evidence. The Police to Mr Hotyckey had their politically correct way to deal with Mr. Hotyckey. A way that is immoral against Gods Cristian teaching and is not following the way the Law was intended. By simply looking at both sides of the stories and understanding the whole situation would have been much calmer and different. Its the special interest groups and politics and from law suits from womens rights groups that have created a over reaction and blindness to the facts. Mr. Hotyckey's two day Jury trail brings this to bear on this issue. Total unprovable charges a waste of Taxpayers money dismissed by the Jury in 10 min of puzzled looks for a verdict of not Guilty. Not Guilty should say innocent. Innocent dragged through the mud to protect a Womans adulterous relationship. She was married and calming she was divorced and committed crimes and used the Police to cover her relationship with her husband. This was part of the evidence given to the Police.

To open the minds of who will listen to the political state in with the Law is being administered. Politics should have nothing to do with the law. This is the end result of law suits and special interest groups that have sued and won law suits against the Police and Judges of this state of Mass. . The problem is if people can profit from their own weaknesses or money or power. Morality and the truth is lost. I state the truth is if a woman can gain a House or Money or what ever she wants by calling the police she will do it. A guarantee to overlook what should not be overlooked. Any effort to to become aware of our legal shortcomings should be welcome.

This case is dealing with domestic Violence and the Law. The Facts show that the Framingham Police will not take charges out against a woman. That if you are home with two eye witnesses. And a Woman commits several felony and misdemeanor crimes. The Framingham Police will be blind to the facts and charge the Man with a crime manufactured from lies. This should be unacceptable to the a reasonable person view of their Police force. This is shown in trial of this case. This is simply because of Politics and prejudices. My case illustrates that Women are not held up to the same standard men are in Domestic Violence cases. I believe this is becoming state wide and serious. The special interest gropes and pressure on or legal system is apparent in my case as I am sure many many more case. The family is the core of America. The police are public servants not political avengers. When people have little morel training this situation gets out of control. Cover ups to ignore facts saying one is too busy and there is no money to investigate is a curse no only to the officers but to the very heart of our country.

I ask for you understanding and awaken to my voice. In what was done to Me my friend and my Father at my home. That you seek the truth. That you see my great loss of my Son my freedom, My money, my hopes. The Framingham Police Department should have the same consideration for a Man an woman under the law. The evidence of prejudice and discrimination evidence is present. From our own Police chief statements picture evidence circumstances and three eye witnesses.. It is imposable to get a police officer or the chief of Police to take a statement or consider charges by the law. Under the law A man should have the same wright to be heard and have his statement taken. If not this is discrimination and it shows how in only a few years the whole legal system has been changed into a

extremely prejudice force in domestic violence .

Motive, is the key to why anything is Done. Knowing yourself is one of the most important lessons learned in life – known better with age. It is clear that we all die therefore and we have children and this is why we can stand before each other in this court and discuss and decide what we hold sacred and true. My motives are as old as the earth in this matter and as human as being a father and parent. I trusted in God as many of us have to attain this Goal. I have been greatly rebuked that I would put faith religion and love in such a appeal for justice as this Document. My statement is that Man in himself is weak but in spirit we are strong. My strengths is from my faith and simple beliefs.

That the Law is followed without Prejudice. Without Violation of basic Civil rights.

The Framingham Police Violated Civil and constitutional rights by Ignoring Three witness and not allowing them to make a statement and seek charges against the plaintiff. That the Framingham Police ignored criminal activity evidence that is unconstitutional for Political reasons.

It all started on a cold winter night on 1/5/2009 my pregnant girl friend and mate decided to pay an unexpected visit to Eden street Framingham. A Bernadeth Kociuba of Foxboro called while in front of my Home. Mrs. Kociuba then started a horrific assault on my home in a Jealous rage. My front door was kicked and she spit on the front door. She shouted death threats. I went outside to try keeping the peace. I entered her SUV and to my surprise she would not leave after such behavior. Then she drove her SUV on the lawn of the adjacent home and waited to drive her truck into the side of a parked car in my driveway. At one point when my friend tried to leave and drive home. Mrs. Kociuba tried to put her SUV into gear and Drive into another occupied car. My hand was over the shift lever in center console of Her SUV. And My Hand was scratched bloody. Mr. Hotyckey only wanted peace at his fathers Home. Two days latter Mrs. Kociuba filed a Police Report on Mr. Hotyckey. Mr. Hotyckey's Home was Violated without warning.

Conclusion

Because of impractical Prejudice and Discrimination Mr. Hotyckey could not get any kind of Police intervention for crimes committed to Him his Families Home and friends. He could not make a Police report or take charges for criminal actions and battery's to Himself. The Framingham Police Violated the Mass Constitution and are Federal Constitution Rights under fifth Amendment Due Process and amendments 5 and 14. By not investigating Picture Letter and eye witness evidence submitted to them on all levels. Not only did the Framingham Police not care about criminal activity or its Motives but were totally ruthless in protecting womans rights to the point of being totally blind. They tried to convict a innocent Man when he obviously was Assaulted and Battered. Mr. Hotyckey Was a just trying be a Peacemaker not understanding the situation proven by Jury in Trial. The Framingham Police Upped Charges and held the case against reason. And expressed Prejudice by stating that they protect Marines and Cops wives. The Framingham Police did no even follow their Oath of office and provide no assistance in defense of criminal activity. A Man is not innocent till proven guilty, but guilty till he can go to court and prove that he is innocent. The lack of investigation and unwillingness to seek the Truth is outrageous and inconsistent of whats expected. This type of Police work is too costly to the Public and leaves no Honor for its Men.

Demands

Wherefore the Plaintiff demands judgment against the defendants for damages and relief as the court deems just according to the damages listed Below.

Their were four Lawyers involved in the legal representation of Mr. Scott Hotyckey.

Their Fees are listed as Follows

Manelis and Beresen 929 Worcester Road Framingham Ma 01701	525.00
Christopher A. Shannon 7 Harvard Street,Suit 220 Brookline Ma. 02445	3500.00
Lewis and Leeper 411 Union Avenue Framingham Ma. 01702	826.00
William F. Fahey 153 Sea Road Kennebunk Me 04043	10940.00
Total	15791.00

This is the the current legal Fee for the case Number FPD # 0900166

- 1) The legal fees of the Pending District court Case undetermined but to date 1500 paid.
- 2) This does not account for loss of work for one year. This is because of pending charges, Trial and Mr. Hotyckey's Honesty to Employers - yearly pay per year 50 to 60 thousand.
- 3) The loss of Firearms Sold because the FPD revoked Mr. Hotyckey's Firearms License. The Firearms were in Mr. Hotyckey's Family for over 50 years and were sold at a loss to comply with the Law. The price of sale was under value by 2500.00. The loss of family property is priceless. And demands payment of 2500.00 for the under value of this property.
- 4) Pain and Suffering is undetermined.

Legal fees and loss of work for one year and related losses are between
80,000.00 – 100,000.00 Dollars

Jurisdiction

This court has Jurisdiction over this matter pursuant to 28 U.S.C. 1332

The evidence of the District Court Case is composed of the Following.

Prior Letters to the chief of Police with Picture Evidence.
Evidence used at Trial and The same Picture Evidence the trial CD recording.
All relevant court papers and documentation.

The Four eye Witnesses and their testimony.

Manelis and Beresen
Polina Ken
Franklin Hotyckey
Renatta Desousa
David Radovsky

The Witnesses ether were at the crime seen or at the Police Station to give a statement and were refused
and investigation as to their complaints.

The Plaintiff Scott Hotyckey Demands a Trial By Jury. If the court overloaded a Bench Trial would be
acceptable.

Sincerely



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